

REQUEST FOR WAIVER

Multimedia Holdings Corporation, licensee of station KPNX-TV (Phoenix, Arizona) requests a waiver of 74.641(a)(1), antenna performance standards, for the following pending STA applications: FCC File Nos. 0002126321 and 0002127473.

FCC Rules Section 74.641(d) notes that the Commission may approve the use of an antenna that does not comply with the minimum antenna specifications if the applicant: (1) indicates why a complying antenna system cannot be installed, and (2) includes a statement indicating that the applicant has complied with the interference avoidance procedures detailed in Section 74.604(a). KPNX provides the following in support of this waiver request.

1. KPNX originally did have a compliant category A antenna installed for the links requested pursuant to the pending STA applications: TV Intercity Relay licenses WPSK823 and WPNJ929. When these links became unreliable, KPNX found that several things had changed in the path and that the station needed to both change polarity and raise the center of radiation of the transmit antenna to overcome the potential path obstacles. Because of tower structural limitations, KPNX could not mount the 8 foot category A antenna high enough on the tower, but we could temporarily mount a 4 foot antenna at the proper height.

While the temporary 4 foot antenna is non-compliant with the rules, KPNX intends to replace the 4 foot antenna with a compliant category A antenna as soon as the tower structural analysis is completed and the tower is modified to accept the additional loading that the complaint antenna will place on the tower. KPNX has already started the tower structural analysis and will complete the tower work as soon as the structural analysis is complete.

Additionally, the non-compliant antenna is pointing away (approx 180 degrees) from the receivers affiliated with any links that could potentially be affected by the wider beamwidth. KPNX requests the STAs to allow the station to operate in "testing mode" (cross polarized and additional COR on the KPNX transmit antenna) while it completes the required tower work.

2. KPNX consulted with the local Frequency Coordination Committee (Karl Voss, 602-261-6191) before making any changes that would require any licensing modifications. The Frequency Coordinator not only sent out an e-mail notice to all local users, but also participated in a conference call between KPNX and one station (KNXV-TV) that could have possibly been affected by the polarity change. KPNX, the Frequency Coordinator and an engineer for KNXV talked in real-time as the changes were made in the existing Category A antenna to gauge any effects on the KNXV link that could have been caused by the KPNX test. KNXV reported, and continues to report, no problems with their link while KPNX has operated in test mode. In fact, the above KPNX link has already been issued an STA (WQCN853) to operate in test mode as it continues to use a compliant category A transmit antenna.

As noted above, KPNX appears to meet the requirements for a waiver of antenna specifications as detailed in 74.641(d). Additionally, the need for a waiver is only temporary and a compliant antenna will be mounted as soon as it's safe to do so. Finally, KPNX has already started the process in re-certifying the tower to allow the complaint antenna to be reused.

Therefore, KPNX requests that the waiver and the referenced STA requests be granted so the station can continue to test.

Multimedia hereby certifies that it is not subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a.

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